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HOUSE BILL 429

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Larry A. Larranaga

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR SUSPENSION,
REVOCATION AND DENIAL OF DRIVER'S LICENSES FOR HIGH SCHOOL
DROPOUTS UNDER EIGHTEEN YEARS OLD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-5 NMSA 1978 (being Laws 1978,
Chapter 35, Section 227, as amended) is amended to read:

"66-5-5. PERSONS NOT TO BE LICENSED. --The division shall
not issue a driver's license under the Motor Vehicle Code to
any person:

A. who is under the age of eighteen years, except
the division may in its discretion issue, to a person under the
age of eighteen years who is either enrolled in a school or who
has obtained a high school diploma or its equivalent, the
following:

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1 (1) an instruction permit to a person fifteen
2 years of age or over who is enrolled in and attending or has
3 completed a driver education course that includes a DWI
4 education and prevention component approved by the bureau or
5 offered by a public school;

6 (2) a provisional license to any person
7 fifteen years and six months of age or older:

8 (a) who has completed a driver education
9 course approved by the bureau or offered by a public school
10 that includes a DWI education and prevention component and has
11 had an instruction permit for at least six months; and

12 (b) who has successfully completed a
13 practice driving component;

14 (3) a driver's license to any person sixteen
15 years and six months of age or older:

16 (a) who has had a provisional license
17 for the twelve-month period immediately preceding the date of
18 the application for the driver's license;

19 (b) who has complied with restrictions
20 on that license;

21 (c) who has not been convicted of a
22 traffic violation that was committed during the ninety days
23 prior to applying for a driver's license; and

24 (d) who has not been adjudicated for an
25 offense involving the use of alcohol or drugs during that

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1 period and who has no pending adjudications alleging an offense
2 involving the use of alcohol or drugs at the time of his
3 application; and

4 (4) to any person thirteen years of age or
5 older who passes an examination prescribed by the division, a
6 license restricted to the operation of a motorcycle, provided:

7 (a) the motor is not in excess of one
8 hundred cubic centimeters displacement;

9 (b) ~~[no]~~ a holder of an initial license
10 may not carry any other passenger while driving a motorcycle;
11 and

12 (c) the director approves and certifies
13 motorcycles as not in excess of one hundred cubic centimeters
14 displacement and by ~~[regulation]~~ rule provides for a method of
15 identification of such motorcycles by all law enforcement
16 officers;

17 B. whose license or driving privilege has been
18 suspended or denied, during the period of suspension or denial,
19 or to any person whose license has been revoked, except as
20 provided in Section 66-5-32 NMSA 1978;

21 C. who is an habitual drunkard, an habitual user of
22 narcotic drugs or an habitual user of any drug to a degree
23 ~~[which]~~ that renders him incapable of safely driving a motor
24 vehicle;

25 D. who, within any ten-year period, is three times

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1 convicted of driving a motor vehicle while under the influence
2 of intoxicating liquor or narcotic drug regardless of whether
3 the convictions are under the laws or ordinances of this state
4 or any municipality or county of this state or under the laws
5 or ordinances of any other state, the District of Columbia or
6 any governmental subdivision thereof. Ten years after being so
7 convicted for the third time, the person may apply to any
8 district court of this state for restoration of the license,
9 and the court, upon good cause being shown, may order
10 restoration of the license applied for; provided that the
11 person has not been subsequently convicted of driving a motor
12 vehicle while under the influence of intoxicating liquor or
13 drug in the ten-year period prior to his request for
14 restoration of his license. Upon issuance of the order of
15 restoration, a certified copy shall immediately be forwarded to
16 the division, and if the person is otherwise qualified for the
17 license applied for, the three previous convictions shall not
18 prohibit issuance of the license applied for. Should the
19 person be subsequently once convicted of driving a motor
20 vehicle while under the influence of intoxicating liquor or
21 drug, the division shall revoke his license for five years,
22 after which time he may apply for restoration of his license as
23 provided in this subsection;

24 E. who has previously been afflicted with or who is
25 suffering from any mental disability or disease ~~which~~ that

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1 would render him unable to drive a motor vehicle with safety
2 upon the highways and who has not, at the time of application,
3 been restored to health;

4 F. who is required by the Motor Vehicle Code to
5 take an examination, unless he has successfully passed the
6 examination;

7 G. who is required under the laws of this state to
8 deposit proof of financial responsibility and who has not
9 deposited the proof;

10 H. when the director has good cause to believe that
11 the operation of a motor vehicle on the highways by the person
12 would be inimical to public safety or welfare; or

13 I. as a motorcycle driver who is less than eighteen
14 years of age and who has not presented a certificate or other
15 evidence of having successfully completed a motorcycle driver
16 education program licensed or offered in conformance with
17 [~~regulations~~] rules of the bureau."

18 Section 2. Section 66-5-30 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 252, as amended) is amended to read:

20 "66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE
21 LICENSE. --

22 A. The division is authorized to suspend the
23 instruction permit, driver's license or provisional license of
24 a driver without preliminary hearing upon a showing by its
25 records or other sufficient evidence that the licensee:

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1 (1) has been convicted of an offense for which
2 mandatory revocation of license is required upon conviction;

3 (2) has been convicted as a driver in [~~any~~] an
4 accident resulting in the death or personal injury of another
5 or serious property damage;

6 (3) has been convicted with such frequency of
7 offenses against traffic laws or [~~regulations~~] rules governing
8 motor vehicles as to indicate a disrespect for traffic laws and
9 a disregard for the safety of other persons on the highways;

10 (4) is [~~an~~] a habitually reckless or negligent
11 driver of a motor vehicle;

12 (5) is incompetent to drive a motor vehicle;

13 (6) has permitted an unlawful or fraudulent
14 use of the license;

15 (7) has been convicted of an offense in
16 another state [~~which~~] that if committed in this state would be
17 grounds for suspension or revocation;

18 (8) has violated provisions stipulated by a
19 district court in limitation of certain driving privileges;

20 (9) has failed to fulfill a signed promise to
21 appear or notice to appear in court as evidenced by notice from
22 a court, whenever appearance is required by law or by the court
23 as a consequence of [~~any~~] a charge or conviction under the
24 Motor Vehicle Code;

25 (10) has failed to pay a penalty assessment

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1 within thirty days of the date of issuance; [~~or~~]

2 (11) has accumulated seven points, but less
3 than eleven points, and when the division has received a
4 recommendation from a municipal or magistrate judge that the
5 license be suspended for a period not to exceed three months;
6 or

7 (12) is under the age of eighteen years, not
8 enrolled in a school and has not obtained a high school diploma
9 or its equivalent.

10 B. Upon suspending the license of [~~any~~] a person as
11 authorized in this section, the division shall immediately
12 notify the licensee in writing and upon his request shall
13 afford him an opportunity for a hearing as early as practicable
14 within not to exceed twenty days, not counting Saturdays,
15 Sundays and legal holidays, after receipt of the request in the
16 county wherein the licensee resides unless the division and the
17 licensee agree that the hearing may be held in some other
18 county; provided that the hearing request is received within
19 twenty days from the date that the suspension was deposited in
20 the United States mail. The director may, in his discretion,
21 extend the twenty-day period. Upon the hearing, the director
22 or his duly authorized agent may administer oaths and may issue
23 subpoenas for the attendance of witnesses and the production of
24 relevant books and papers and may require a reexamination of
25 the licensee. Upon the hearing, the division shall either

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1 rescind its order of suspension or, good cause appearing
2 therefor, may continue, modify or extend the suspension of the
3 license or revoke the license. "

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